IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

ARBITRATION PETITION NO.397 OF 2003

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General Manager, Central Railway,
CSTM Mumbai ...Petitioners

v/s.

M/s.Rotomac Electrical Pvt.
Ltd. ...Respondent

...

Mr.Sureshkumar for the Petitioners.
None for the Respondent.

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CORAM: D.K.DESHMUKH, J.

DATED: 27TH JUNE,2005

P.C.:

1. By this Petition the Petitioner challenges the

award made by the sole-arbitrator dated 12-6-2003 directing the Petitioner to pay an amount of Rs.3,00,000/-. It appears that the same Arbitrator had made an award dated 26th July, 2002 directing the Petitioner to pay an amount of Rs.3,00,000/-. That award was challenged by the Petitioner before this Court by filing Arbitration Petition No.368 of 2002. That petition was decided by order dated 22nd October, 2002. The Court on finding that there are no reasons disclosed for the award by the learned Arbitrator, set aside the award and by consent of parties the matter was sent back to the same arbitrator for recording reasons and making a fresh award.

2. Accordingly, fresh award has been made, which is dated 12-6-2003. Again the learned Arbitrator has directed to the Petitioner to pay the same amount of Rs.3,00,000/-. But perusal of the award does not show as to how the learned Arbitrator has arrived at the figure of Rs.3,00,000/- and he has again not disclosed any reason why he is awarding Rs.3,00,000/- and not something less or something more. The award, which is presently challenged in the petition, suffers from the same vice as the previous award.

The Petition, therefore, succeeds and is allowed. The award impugned in the petition is set aside. The Respondent is directed to pay costs of this petition to the Petitioner, as incurred by the Petitioner.

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